IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2163 of 2005

Between:

1. S. Mahaboob Basha, S/o. S. Osman Basha,
   Hindustan Watch Repair Center (Iron Bunk), R/o. Besides Balaji Hotel, Tank Bund Road, Near Somappa Circle, Yemmiganur Town, Kurnool district.
2. A. Mahaboob Basha, S/o. Dadamiiah,
   Fancy Store, (Iron Bunk), R/o. Besides Balaji Hotel, Tank Bund Road,
   Near Somappa Circle, Yemmiganur Town, Kurnool district.
3. K. Mahamod Ali, S/o. Gafoor,
   Pan Shop, (Iron Bunk), R/o. Besides Balaji Hotel, Tank Bund Road,
   Near Somappa Circle, Yemmiganur Town, Kurnool district.

... PETITIONERS

AND

1. Government of Andhra Pradesh, Rep. by its Secretary, MA & UD Municipal Administration
   & Urban Development, Secretariat Buildings, Hyderabad.
2. The Commissioner, Yemmiganur Municipality,
   Yemmiganur Town, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in orally ordering petitioner to remove the shops situated at the Balaji Hotel T.B. Road, at Yemmiganur Municiapality, Kurnool District without notice as bad, illegal in violation of principles of natural justice and opposed to all cannons of justice.

Counsel for the Petitioners: MR.P.SRINIVASULU

Counsel for the Respondents: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following:

ORDER:

The petitioners claim to be in occupation of shops situated at Balaji Hotel, T.B. road, Yemmiganur Municipality, Kurnool District, since 1984, wherein they have been carrying on business. It is alleged that the officials of the 2nd respondent-Municipality have been attempting to remove their shops without there being any justifiable reason. It is also alleged that the respondents have not issued any notice to the petitioners and therefore the entire action of the respondents is arbitrary and illegal.

Having heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the 2nd respondent Municipality, without expressing any opinion as to the entitlement of the petitioners to continue in possession of the shops in question, the writ petition is disposed of with a direction to the 2nd respondent not to interfere with the possession of the petitioners in respect of their shops situated at Balaji Hotel, T.B. road, Yemmiganur Municipality, Kurnool District, without following due process of law. No order as to costs.

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G. ROHINI, J

Dated: 11-02-2005

Note: Furnish copy by wire at parties' costs.

LSK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Secretary,

MA & UD Municipal Administration & Urban Development, Secretariat Buildings, Hyderabad.
2. The Commissioner, Yemmiganur Municipality,
Yemmiganur Town, Kurnool District.

3. Two C.Cs. to the G.P. for Municipal Administration, High Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.